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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,817      | 09/26/2003  | Shuzo Nagami         | P/1250-262          | 6907             |

2352 7590 11/27/2007  
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| EXAMINER |
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HECKERT, JASON MARK

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| ART UNIT | PAPER NUMBER |
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1792

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| MAIL DATE | DELIVERY MODE |
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11/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|  |                               |                               |  |
|--|-------------------------------|-------------------------------|--|
| <p align="center"><b>Office Action Summary</b></p> | Application No.<br>10/671,817 | Applicant(s)<br>NAGAMI ET AL. |  |
|  | Examiner<br>Jason Heckert     | Art Unit<br>1792              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-14,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14,25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 9/12/07 have been fully considered but they are not persuasive. As claimed, examiner still finds the Hayashi reference to be relevant. The applicant needs to further clarify language in order to overcome the Kamikawa in view of Hayashi combination. Hayashi shows a downwardly directed upper purge element supplying a gas. Hayashi also shows an exhaust outlet 62. The gas injected by the upper purge element moves downward, and then across the surface, in a parallel direction, towards the exhaust. The entrance to Hayashi's exhaust can be considered a lower purge element. The exhaust exit can be considered the applicant's exhaust element. Examiner would appreciate if the applicant included language pointing to the fact that lower purge element of the applicant actually *supplies* a gas. As claimed, the examiner understands *discharge* to be a fundamentally different action than what is performed by the upper purge element which is said to supply an inert gas. Thus, the examiner understands *discharge* to mean the removal of such gas, such as discharging it from the process tank. However, it appears as if both purge elements supply a gas, and the exhaust discharges such gas. Once these structures and functions are clarified, the applicant's current arguments will be appropriate. Thus, the previous rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11-14, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Kamikawa in view of Hayashi et al. Kamikawa discloses a substrate processing apparatus 18 comprising a cleaning tank to hold liquid 22, a holding element 24, liquid supply nozzles 25, a drying process chamber 23 with an interior and drying gas supply nozzles 44, wherein said holding element 24 displaces the substrate from the cleaning chamber to the drying chamber. Also disclosed is an exhaust port 28 located in the vicinity of the processing liquid. Supply nozzles 25 supply the chemical solution or cleaning agent as well as the rinse agent, such as heated distilled water. The gas supply nozzles, or purge elements, inject a drying gas like nitrogen in a direction substantially parallel to the surface of the processing liquid (see Figures 3, 4, and 12) and are located above an exhaust port. In Fig. 3 the substrate W is clearly depicted as being supported parallel to the vertical direction. Kamikawa discloses all of the features of the applicant's invention except the downwardly directed upper purge element. Hayashi discloses the use of a downward directed gas in a substrate cleaning apparatus (see figure 9). According to Hayashi, this allows particles to flow out of the chamber without adhering to the cleaned substrates (col. 11 line 23-41). Hayashi also shows an exhaust outlet 62. The gas injected by the upper purge element moves downward, and then across the surface, in a parallel direction, towards the exhaust. The entrance to Hayashi's exhaust can be considered a lower purge element. The exhaust exit, below the entrance as depicted in figure 9, can be considered the

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applicant's exhaust element. Hayashi further discloses a heating element 122 and blower 138. Used in conjunction with controlling system 130, various parameters such as heat and humidity can be controlled. It would have been obvious at the time of the invention to modify Kamikawa and include a downwardly directed gas stream so as to prevent particles from adhering to substrates during the drying process, as taught by Hayashi, so as to allow effective drying of the substrates. The heat and humidity control, also taught by Hayashi, are also considered to be known and obvious modifications.

4. In regards to claim 25, duplication of parts was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). Examiner doesn't find the inclusion of a second exhaust to be a patentably distinct feature over the prior art. A need for exhaust is known, and including as second port or exit is considered to be an obvious modification within the skill of one practicing the art.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

  
MICHAEL BARR  
SUPERVISORY PATENT EXAMINER